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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

MARK ALAN GREENBURG, a
married man,

Plaintiff,

vs.

**AMANDA WRAY AND DANIEL
WRAY,** a married couple,

Defendants.

Case No.

COMPLAINT

(Defamation, False Light, Computer
Fraud and Abuse, Intrusion Upon
Seclusion, Public Disclosure of Private
Facts)

Assigned to the Hon.

The Plaintiff herein, Mark Alan Greenburg (the “Plaintiff”), by and through his attorneys undersigned, for his complaint and causes of action against Defendants Amanda Wray and Daniel Wray (individually referred to by their own names, collectively referred to as “Defendants”), allege as follows:

GENERAL ALLEGATIONS

1. This action arises under 18 U.S.C. §§ 1030(a)(2) and 1030(g), as well as Arizona state law for claims for defamation, false light, intrusion upon seclusion, public disclosure of private facts, trespass to chattels, and conversion.

2. Jurisdiction in this court is proper pursuant to 28 U.S.C. § 1331.



1 3. Venue in this court is proper pursuant to 28 U.S.C. § 1391.

2 4. Plaintiff is a married person who currently resides at 8703 E. Via De Viva,
3 Scottsdale, AZ 85258.

4 5. Defendants Amanda Wray and Daniel Wray are a married couple who
5 currently reside at 14256 N. Territory Trail, Fountain Hills, Arizona 85268, and all of the
6 acts alleged to have been done by Amanda were committed in Arizona and within the
7 jurisdiction of the court for the benefit of their community.

8 6. This action is timely initiated pursuant to 18 U.S.C. § 1030(g) and A.R.S. §§
9 12-541 to 12-542.

10 **BACKGROUND**

11 **Plaintiff Mark Alan Greenburg**

12 7. Plaintiff is a resident of Scottsdale, Arizona.

13 8. Plaintiff works in Scottsdale and runs his businesses in Scottsdale.

14 9. Plaintiff proudly pays property taxes in Scottsdale, some of which are
15 distributed to the Scottsdale Unified No. 48 School District (the “District”).

16 10. Plaintiff is interested in the academic, social, and extra-curricular success of
17 the District.

18 11. Plaintiff’s children received an excellent education while attending the
19 District’s schools.

20 12. Additionally, having a strong public school system benefits his home property
21 value.



1 22. Daniel ratified Amanda's activities, for the benefit of their community.

2 23. Upon information and belief, Amanda uses SUSDCAN to accomplish both
3 her desired political goals and to find new clients for her business as a behavioral investment
4 advisor.

5 24. Amanda has gone so far as to steal Plaintiff's private information and
6 documents.

7 25. Amanda has also doxed Plaintiff by publishing and discussing Plaintiff's home
8 address, license plate, and Paycheck Protection Program loan information to SUSDCAN's
9 Facebook page.

10 26. Prior to January 22, 2021, Plaintiff had never communicated with
11 Amanda.

12 27. Plaintiff has never met Amanda.

13 28. Plaintiff has never publicly commented about Amanda.

14 29. Upon information and belief, Amanda undertook actions against Plaintiff in
15 order to influence his son.

16 30. Most notably, Amanda has engaged in a year's long campaign defaming,
17 placing in a false light, and publishing private information about Plaintiff to ferment SUSDCAN
18 members' ever-increasing hatred of Plaintiff's son.

19 31. Amanda's primary target of political and discriminatory attack has been, and
20 continues to be, Plaintiff's son.

21 32. Amanda's hatred of Plaintiff's son is extensive.

22



1 33. Amanda's stated mission is to not "rest until Jann-Michael Greenburg loses the
2 election in 2022" and ensure he has no "political career."

3 34. Amanda believes Plaintiff's son is a "hateful," "evil" person who has
4 "infiltrated" the District.

5 35. Upon information and belief, Amanda has made hundreds of posts and
6 comments criticizing Plaintiff's son in 2020 and 2021.

7 36. Amanda's actions extend well beyond legitimate political disagreements.

8 37. Amanda began attacking Plaintiff's son's private employment and family.

9 38. Upon information and belief, Amanda supported her actions citing "Rule 12"
10 from Saul Alinsky's book, "Rules for Radicals": "Pick the target, freeze it, personalize and
11 polarize it, cut off the support network and isolate the target from sympathy. Go after people,
12 not institutions. People hurt faster than institutions. This is cruel but very effective. Direct,
13 personalized criticism and ridicule works."

14 **SPECIFIC ALLEGATIONS**

15 **Defamation and False Light**

16 39. Amanda has routinely defamed and placed Plaintiff in a false light since at
17 least January 22, 2021.

18 40. One example, in a Facebook "post" published to on SUSDCAN's Facebook
19 page on January 22, 2021, Amanda Wray falsely accused Plaintiff of attending a District
20 governing board meeting on January 19, 2021 for the purpose of intimidating and harming
21 her:
22



1 Tuesday night I attended the SUSD Governing Board meeting in
 2 person . . . Shortly after the meeting began, Mark Alan Greenburg
 3 [Plaintiff], our Governing Board President Jann-Michael
 4 Greenburg's dad, walked in and sat in a row of seats behind me and
 5 to my left. After another couple of minutes, he moved to sit directly
 6 behind me. *I closed my laptop at that time to avoid him looking over
 7 my shoulder at my screen. Plenty of other chairs in the room, but he
 8 chose to sit as close as possible to our group of parents. I left at the
 9 break with another friend so we didn't walk to our cars alone.*

6 (Emphasis added.)

7 41. Amanda has republished these false statements on numerous occasions,
 8 including adding additional false details:

9 a. In a January 25, 2021 letter to the District, Amanda wrote that

10 [a]t the last board meeting . . . Mark Greenburg walked into the
 11 room *and looked at me in way [sic] that made me uncomfortable.* I
 12 knew immediately who he was. After sitting down behind me,
 13 slightly to my left, he got up and moved to the seat directly behind
 14 me, slightly to my left. *Several of us* felt uncomfortable *as he lurked*
 15 *behind us* as there were plenty of other open and available seats
 16 around the room. *This clearly felt like an intimidation technique*
 17 *intended to scare us.* After public comment discussion . . . I began to
 18 pack up my things to get back home to my family. Mark left the
 19 room in advance. *Because we had felt so uncomfortable, I decided*
 20 *not to leave until on [sic] of my friends could leave with me as I*
 21 *suspected that Mark was waiting in the lobby. He finally returned*
 22 *after a long absence (longer than a bio break)* and took his seat.

17 (Emphasis added.)

18 b. On May 19, 2021, Amanda wrote a comment on a post that she
 19 published to SUSD-CAN's Facebook page, falsely confirming that Plaintiff "stalked" her at
 20 the January 19, 2021 meeting.



1 c. During a November 11, 2021 interview on the Garrett Lewis radio
 2 show, Amanda stated “He [Plaintiff] has [intimidated me]. He intimidated me back in
 3 January at a board meeting”

4 42. Amanda has also repeatedly falsely accused Plaintiff of harassment by sending
 5 her unwanted, unsolicited private Facebook messages, including without limitation:

6 a. In a January 22, 2021 Facebook post, Amanda falsely accused Plaintiff
 7 of sending her an unsolicited private Facebook message for “challenging” Plaintiff’s son.

8 b. In a January 25, 2021 letter to the District, Amanda Wray wrote that

9 During the Q&A . . . I paraphrased in the chat [Plaintiff’s son’s]
 10 comment that I felt it was inappropriate as [sic] non-partisan school
 11 board member [sic] “Some of the people that I voted for in this
 12 election lost, and that is a shame.” That was the extent of my
 13 comment . . . Mark Greenburg [Plaintiff] saw my name and my
 14 comment, I’m sure it made him angry and got under his skin . . .
 15 Friday, at 12 a.m., several hours after my remark during the town
 16 hall meeting, I received a [sic] FB Instant Message from [Plaintiff] .
 17 . . . *This isn’t the first time I’ve gotten messages from Mark
 18 Greenburg [Plaintiff] in the middle of the night. He often deletes
 19 them by the next morning, probably not realizing that I’ve seen them.
 20 We have multiple instances from many parents and we are compiling
 21 evidence into a central file for use in a criminal case if necessary.*

16 (Emphasis added.)

17 c. On May 21, 2021, Amanda wrote a comment on a Facebook post that
 18 “the last time [she] publicly criticized Jan [sic] for making a political rant during a non-
 19 partisan board meeting (he blamed SUSD parents for the riot at the Capital [sic]) I was
 20 personally harassed. [Shrug Emoji] Weird how men don’t get the same response from
 21 Greenburgs [Plaintiff].”

22



1 d. On or around November 27, 2021, Amanda was invited to speak on the
2 “American Ammo Podcast” and stated that

3 *[Plaintiff] had harassed me through Facebook* and I had reported to
4 the superintendent I did not feel safe going to school board meetings
5 and asked for his help. And in turn, that email was turned over to . . .
6 *[Plaintiff]* where I was asking for help. *They, they literally [gave] my*
7 *stalkers* my phone number and email address.

8 (Emphasis added.)

9 43. In many instances, Amanda even included a photograph of an *edited* exchange
10 of messages between her and Plaintiff to make it falsely appear as though Plaintiff did in fact
11 send Amanda an unsolicited, unwanted Facebook message.

12 44. In a January 25, 2021 letter to the District, Amanda has also falsely accused
13 Plaintiff of threatening a third party with a weapon and implies he will harm her, writing that
14 “I have heard from a reliable source that Mark Greenburg [Plaintiff] threatened another
15 private citizen by displaying a weapon while out placing campaign signs for Eric Kurland.”

16 45. Amanda admits to republishing this false statement to others, writing that she
17 has “. . . made this information public to other members our [sic] our group [SUSD-CAN]
18 and there is increased awareness of Mark Greenburg’s [Plaintiff’s] behavior.”

19 46. Amanda further falsely implies Plaintiff will harm her physical safety at school
20 board meetings, writing that she is “. . . putting [herself] at great risk by making this public”
21 and “. . . will ask the police officers present [at board meetings] to make note of [Plaintiff’s]
22 presence”



1 47. In a May 19, 2021 Facebook post to SUSDCAN, Amanda also falsely accused
2 Plaintiff of harassment for creating a political “meme” regarding a matter of public concern,
3 an exercise of his First Amendment rights, writing that:

4 Okay parents, this just got personal! Jann-Michael’s daddy, Mark Alan
5 Greenburg [Plaintiff], just personally attacked one of our own by taking
6 a comment way out of context. *Please go to this public post and report*
7 *Mark’s [Plaintiff’s] comment as harassment . . . Edited: the post was*
8 *removed so I’ve taken the photo down out of respect for the person*
9 *being harassed.*

10 (Emphasis added.)

11 48. In yet another incident, during an August 24, 2021 recall petition signature
12 drive improperly conducted *on public school grounds* organized by Amanda, Amanda falsely
13 accused Plaintiff of threatening her, telling police officers “to be on the lookout for Jann-
14 Michael Greenburg’s father, Mark [Plaintiff]. He has threatened me in the past and I don’t
15 feel safe with him near me.”

16 49. Amanda spoke loudly enough for third parties nearby to hear her.

17 50. At that same August 24, 2021 recall signature petition drive, Amanda also took
18 photographs of Plaintiff, wrote down his license plate number and ran it (without a legitimate
19 purpose), and published both the photographs and Plaintiff’s license plate number, in full, to
20 SUSDCAN.

21 51. Beginning on or around August 25, 2021, Amanda also falsely accused
22 Plaintiff of unlawfully taking photographs of minors, stalking, and threatening her physical
safety simply because Plaintiff attended the recall petition signature drive, including without
limitation:



1 a. “[Plaintiff] sat outside in 105 [degrees] to take photographs of women
2 *and children* while they signed petitions.”

3 b. “I’ve reported [sic] we need others to do as well. No one signed a photo
4 release so what is he doing *with photos of children*.”

5 c. In an August 29, 2021 Twitter post, Amanda wrote “It’s totally normal
6 behavior for a @ScottsdaleUSD school board member’s daddy [Plaintiff] to be *taking pics of*
7 *moms and their kids signing recall petitions*, right? I’m sure it’s just for the family
8 scrapbook.” Emphasis added.

9 d. “So we deal with JMGs [sic] dad [Plaintiff] stalking while the board is
10 barricaded inside because of ‘safety concerns’ [sic] Got it.”

11 e. On November 11, 2021, Amanda gave an interview on “The Morning
12 Ritual with Garrett Lewis,” in which she stated:

13 And that board meeting where he showed up, I was there at four
14 o’clock. He pulled right in front of me. I know exactly what, who he
15 was. I only have one stalker. It was clearly him . . . And here we are,
16 I am sat outside like a sitting duck. I had gone to the police officers
17 that were on site . . . and I said, “I am afraid of this man. Like, he is
taking photos of us.” It is 105 degrees, he is in full motorcycle gear,
never took his helmet off . . . The police officers looked at me and
said, “Well, he has a right to be here.”

18 f. On or around November 17, 2021, Amanda gave an interview on “The
19 Dana Show with Dana Loesch,” in which she stated “there’s bodycam footage of Mark
20 Greenburg [Plaintiff] . . . stalking me and talking about concealing his identity and
21 intimidating me.”
22



1 g. Amanda also again falsely accuses Plaintiff of intentionally intimidating
2 her, stating that Plaintiff “showed up on a motorcycle and parked directly in front of me and
3 was there to intimidate me.”

4 h. On or around November 27, 2021, Amanda was invited to speak on the
5 “American Ammo Podcast” and stated that Plaintiff “showed up on a motorcycle and parked
6 directly in front of me and was there to intimidate me.”

7 52. All of these statements and accusations are false and created a false impression
8 about Plaintiff.

9 53. Regarding Amanda’s statements that Plaintiff attended the January 19, 2021
10 board meeting to intimidate, harass, or harm her, Amanda knew those statements were false
11 or acted in reckless disregard of the truth for following reasons:

12 a. Plaintiff has regularly attended District board meetings since 2017,
13 either in person or virtually, because his tax dollars are invested there and he is interested in
14 ensuring the best public education possible for students in Scottsdale.

15 b. Plaintiff had no knowledge Amanda was going to be present at the
16 January 19, 2021, board meeting, and did not realize she was present when he arrived.

17 c. Plaintiff had never even seen Amanda in person.

18 d. Plaintiff did not “look” at Amanda at all, and therefore could not have
19 done so for the purposes of intimidating or harassing her and making her feel
20 “uncomfortable” when he entered the board room.

21 e. The seats face away from the board room’s entrance/exit and towards
22 the board members.



1 f. Plaintiff sat in the left back row closest to the board room's
2 entrance/exit.

3 g. Plaintiff entered the board meeting after it had started.

4 h. Amanda's back would have been to Plaintiff when he entered the board
5 room, not to the entrance/exit if Plaintiff truly was sitting behind her.

6 i. The seats were spread out six feet or greater apart as part of the
7 District's COVID mitigation plan.

8 j. Plaintiff did not look over Amanda's shoulder.

9 k. Plaintiff was not "lurking" behind Amanda or anyone else.

10 l. Plaintiff sat in the designated seating area in plain view of every
11 attendee.

12 m. As a private citizen, Plaintiff prefers sitting in seats that are not on
13 camera when practical (District board meetings are live streamed to the Internet).

14 n. Video footage of the January 19, 2021, board meeting is available at
15 https://www.youtube.com/watch?v=kNg45XygH_w.

16 o. The footage shows that Plaintiff entered the Board meeting between the
17 22-minute mark and the 28:43-minute mark.

18 p. At the 28:43-minute mark, the video camera angle switches to
19 displaying some of the attendees.

20 q. Plaintiff can be partially seen sitting in the back row seat on the top left
21 corner of the video.

22



1 r. When Plaintiff realized he was in view of the camera (at the 30:20-
2 minute mark), he moved one seat to his right.

3 s. Plaintiff has never threatened Amanda.

4 t. Plaintiff never followed Amanda to the parking lot.

5 u. Plaintiff never waited for Amanda in the parking lot.

6 v. Plaintiff never followed Amanda to the lobby.

7 w. Plaintiff never waited for Amanda in the lobby.

8 54. Regarding Amanda's statements that Plaintiff sent Amanda unwanted,
9 unsolicited Facebook messages, Amanda knew those statements were false or acted in
10 reckless disregard of the truth for following reasons:

11 a. Amanda initiated a message to Plaintiff to inform him he was kicked out
12 of the SUSDCAN Group, writing "Goodbye."

13 b. Plaintiff only messaged Amanda after Amanda messaged him.

14 c. Amanda edited the conversation by deleting her original message to
15 Plaintiff, thereby removing the fact that she engaged Plaintiff in conversation first.

16 d. This made it falsely appear as though Plaintiff did send Amanda an
17 unsolicited, unwanted Facebook message.

18 e. Amanda knew that Plaintiff was responding to her unsolicited private
19 Facebook message to Plaintiff.

20 f. Amanda knew that Plaintiff did not send an unsolicited private
21 Facebook message to her for the purposes of intimidating her for "challenging" Plaintiff's
22 son.



1 g. Amanda initiated conversation with Plaintiff regarding Plaintiff's
2 pseudonym account and removal from SUSDCAN – *not* about her challenging Plaintiff's
3 son.

4 h. While Plaintiff's response may have been childish, Plaintiff was also
5 upset over the dozens of public, unwarranted personal attacks Amanda had made about
6 Plaintiff starting from at least January 7, 2021.

7 i. Plaintiff has never sent Amanda *any* unsolicited private Facebook
8 messages at any time, including "in the middle of the night."

9 j. Prior to Plaintiff's January 22, 2021, response to Amanda, Plaintiff had
10 never sent Amanda *any* private Facebook messages at all.

11 k. Plaintiff has only had two conversations with Amanda via private
12 Facebook message.

13 l. In both cases, Amanda initiated the conversation.

14 m. Amanda knew Plaintiff does not send her "messages . . . in the middle
15 of the night."

16 55. Regarding Amanda's false statements that Plaintiff has threatened her, Amanda
17 knew those statements were false or acted in reckless disregard of the truth because Plaintiff
18 has never threatened Amanda.

19 56. Regarding Amanda's false statements that Plaintiff harassed another person,
20 Amanda knew those statements were false or acted in reckless disregard of the truth because
21 Plaintiff has never harassed anyone and posting a political "meme" is not harassment.

22



1 57. Regarding Amanda's false statements that Plaintiff photographed minors
2 unlawfully, stalked her, and intimidated her at the August 24, 2021 recall petition signature
3 drive, Amanda knew those statements were false or acted in reckless disregard of the truth
4 for following reasons:

5 a. On an August 24, 2021 Facebook comment, Amanda admitted that
6 Plaintiff was not doing anything illegal, writing "*The [Scottsdale Police Department] told us*
7 *it was okay* [Shrug Emoji] we were so bothered by it that Sarah Kraft Dorn asked."
8 (Emphasis added.)

9 b. Nonparty Sarah Kraft Dorn also responded, writing that she "talked to
10 two officers on site about the issue . . . *I was told this person has as much right to be there as*
11 *I did. They declined to do anything about it.*" (Emphasis added.)

12 c. Plaintiff attended the recall effort event in the hopes of photographing
13 SUSD-CAN members violating Arizona election laws while collecting recall petition
14 signatures - evidence that could form the basis of challenging any unlawfully gathered
15 signatures.

16 d. Amanda and SUSD-CAN's member publicly posted that they would be
17 collecting signatures at 4:00PM at Coronado High School.

18 e. The flyer indicated the petition signature drive would occur on school
19 property, in possible violation of A.R.S. §§ 15-511 or 13-2911.

20 f. Further, some of SUSD-CAN's members who indicated that they would
21 be there to help collect signatures are convicted felons whose civil rights have not been
22 restored.



1 g. Plaintiff never took any photographs of children.

2 h. Children are not qualified voters and cannot sign recall petitions.

3 i. Amanda also knew no “photo release” is required to take photos of a
4 political event in a public space.

5 j. No person has an expectation of privacy in a public place.

6 k. It is perfectly “normal behavior” for individuals to collect evidence to
7 help challenge recall petition signatures.

8 l. Upon information and belief, Amanda and SUSDCAN members took
9 their own photos of participants collecting signatures and posted them, publicly, to
10 Facebook.

11 m. Plaintiff did not stalk Amanda or anyone else.

12 n. Plaintiff never discussed intimidating Amanda.

13 o. The bodycam footage, a private record which Amanda reviewed, stole,
14 and publicly disclosed, does not contain one statement from Plaintiff regarding plans to
15 intimidate her.

16 p. Plaintiff does discuss having to take measures to conceal his identity,
17 given Amanda’s and SUSDCAN’s history of defamatory attacks concerning Plaintiff.

18 q. Plaintiff also discusses – in his own home – his intent to sue Amanda
19 for her multitude of defamatory statements about Plaintiff.

20 r. Given Amanda’s and SUSDCAN’s defamation and vilification of
21 Plaintiff for attending the signature petition recall event, Plaintiff’s concerns were well-
22 founded.



1 58. Further, threatening, intimidating, or harassing someone by sending repeated
2 anonymous, unwanted, or unsolicited electronic communications is a Class 1 misdemeanor
3 under A.R.S. § 13-2916.

4 59. Further, anonymously contacting or communicating with another person by
5 electronic or written means with the intent of harassing them is a Class 1 misdemeanor under
6 A.R.S. § 13-2921.

7 60. Further, the unjustified displaying of a deadly weapon is a Class 6 felony under
8 A.R.S. § 13-2904 – a potentially imprisonable offense.

9 61. Further, possessing a deadly weapon on school grounds is a Class 1
10 misdemeanor or Class 6 felony under A.R.S. §§ 13-3102(A)(12) and 13-3102(M) – a
11 potentially imprisonable offense.

12 62. Further, stalking is a Class 5 or Class 3 felony under A.R.S. § 13-2923 – a
13 potentially imprisonable offense.

14 63. Upon information and belief, Amanda knew her statements were false.

15 64. Upon information and belief, Amanda held significant animus towards
16 Plaintiff.

17 65. Upon information and belief, Amanda intended to inflict harm on Plaintiff by
18 making false statements about Plaintiff.

19 66. Upon information and belief, Amanda deliberately omitted facts, added false
20 details, and avoided the truth to distort the truth.

21 67. Upon information and belief, Amanda knew or strongly suspected her
22 statements about Plaintiff would create a substantially false impression about Plaintiff.



1 68. Upon information and belief, Amanda's statements were completely created
2 from her own imagination and not grounded in reality.

3 69. Upon information and belief, Amanda's false statements and implications
4 worked exactly as she intended: Plaintiff was roundly condemned by SUSDCAN's
5 members and was further defamed by them.

6 70. For example, Amanda's January 22, 2021 Facebook post garnered at least 73
7 "reactions" (e.g., "thumbs up," "anger," and "shock") and 170 "comments" further vilifying
8 and defaming Plaintiff, including additional comments made by Amanda.

9 71. Amanda's May 19, 2021 Facebook post falsely accusing Plaintiff of
10 harassment garnered at least eight reactions and 18 comments further vilifying and defaming
11 Plaintiff.

12 72. Amanda's August 29, 2021 Twitter post garnered at least 12 comments, 80 "re-
13 tweets" (or "shares"), and 100 "likes."

14 73. Amanda's various Facebook posts garnered at least 53 reactions and 80
15 comments.

16 **Computer Fraud and Abuse and Intrusion Upon Seclusion**

17 74. In response to SUSDCAN's activities, Plaintiff began privately creating and
18 collecting records on key figures within SUSDCAN's organization, including Amanda.

19 75. Plaintiff collected these records primarily for anticipated litigation against
20 those individuals and for the protection of his family's safety.

21 76. Records Plaintiff collected included SUSDCAN's social media posts and
22 activity, social media accounts, and background checks.



1 77. Records also included photographs and video footage Plaintiff took and
2 materials in preparation for litigation.

3 78. Records also included Plaintiff's discussions with third parties.

4 79. Records also included Plaintiff's political commentary and political "memes,"
5 including commentary and memes that have never been publicly published.

6 80. Records also included Plaintiff's private comments and personal thoughts
7 about third parties.

8 81. Records also included miscellaneous business records.

9 82. Plaintiff stored all such records on his server housed somewhere in the United
10 States, known as a "Google Drive."

11 83. Plaintiff operates his server as a virtual tenant, with Google managing the
12 server's physical location.

13 84. Plaintiff accesses his server using his computer, which is connected to the
14 Internet.

15 85. Plaintiff can access his server from anywhere in the world.

16 86. When a person accesses Plaintiff's Google Drive, that person necessarily
17 accesses Plaintiff's server.

18 87. In general, the records on the server were kept private, requiring a password to
19 access.

20 88. Plaintiff only shared access to the server with three other individuals, including
21 Plaintiff's son.

22



1 89. Those three individuals accessed the Google Drive by logging into their
2 password protected Google accounts and accessing the server's contents.

3 90. Unknown to Plaintiff and the other three individuals, a setting on the Google
4 Drive could enable unauthorized third parties to access the server without a password.

5 91. The Google Drive was not searchable using a Google search or another
6 Internet search, meaning its location could not be found by anyone.

7 92. However, unauthorized third parties could access the server if, and only if, they
8 obtained the Google Drive's *exact* Uniform Resource Locator ("URL").

9 93. Upon information and belief, the URL is not "guessable," and is commonly
10 referred to as a form of "security through obscurity" data protection.

11 94. In effect, the URL acts as a unique code to access Plaintiff's server, replacing
12 the typically required password and username.

13 95. In or around August, 2021, Plaintiff's son was accused of defamation.

14 96. In response to the accuser, Plaintiff's son sent a number of emails containing
15 various photographs of public comments stored on the server.

16 97. Unknown to Plaintiff's son, the URL to the Google Drive was visible in one of
17 the photographs.

18 98. The URL was not hyperlinked, meaning one could not "click" the link and
19 access the Google Drive – one would have to manually retype all 68 characters.

20 99. The situation was the equivalent of Plaintiff's son accidentally disclosing his
21 username and password.

22 100. Amanda obtained the photograph containing the URL.



1 101. At no time did Plaintiff's son, Plaintiff, or the other two individuals with whom
2 the Google Drive had been shared, provide Amanda (or any other third parties) permission,
3 sanction, or warrant to access the server.

4 102. Upon information and belief, Amanda knew the URL had been shared by
5 mistake.

6 103. Upon information and belief, Amanda believed the URL to be password
7 protected since it contained Plaintiff's private records.

8 104. Upon information and belief, Amanda did not attempt to access the Google
9 Drive because she knew it contained private documents not meant for public consumption.

10 105. Over time, because the recall effort against Plaintiff's son was failing, upon
11 information and belief Amanda attempted to access the Google Drive without authorization a
12 month later.

13 106. However, Amanda did not know how to access Plaintiff's server and Google
14 Drive, and requested a third party to create a way for Amanda to access the server.

15 107. Upon information and belief, that third party used the URL to create a
16 hyperlink, enabling Amanda Wray to intentionally access Plaintiff's Google Drive without
17 authorization by clicking on the hyperlink.

18 108. Upon information and belief, Amanda knew she was not authorized to access
19 Plaintiff's private records.

20 109. Upon information and belief, Amanda spent weeks accessing and reviewing
21 Plaintiff's private records.

22



1 110. Upon information and belief, Amanda downloaded the entire contents of the
2 server, creating a copy of the Google Drive.

3 111. Upon information and belief, Amanda deleted some of Plaintiff's files stored
4 on the server.

5 112. Upon information and belief, Amanda added files to Plaintiff's server.

6 113. Upon information and belief, Amanda reorganized files on Plaintiff's server.

7 114. Upon information and belief, Amanda renamed files on Plaintiff's server.

8 115. Upon information and belief, Amanda's access, review, alteration, and copying
9 of Plaintiff's private records by entering his server without authorization was motivated by
10 her extreme animus towards Plaintiff and Plaintiff's son.

11 116. Upon information and belief, Amanda's objective was to terrorize Plaintiff and
12 bolster support for her recall efforts against Plaintiff's son.

13 117. Plaintiff felt extremely angry and violated by Amanda's interference and
14 invasion of his private records.

15 118. In response, Plaintiff hired forensic IT consultants to analyze the extent of the
16 data breach, what files were accessed, what files were copied, what files were deleted, and
17 what files were added.

18 119. As a result, Plaintiff has suffered loss aggregating at least \$5,000 in value.

19 **Public Disclosure of Plaintiff's Private Records**

20 120. Upon information and belief, Amanda provided her copy of Plaintiff's private
21 records to an attorney.



1 121. Upon information and belief, the attorney told Amanda that the contents of her
2 copy or copies of Plaintiff's private records did not contain any unlawful materials.

3 122. Upon information and belief, Amanda then provided her copy of Plaintiff's
4 private records to various news organizations on or around November 2021.

5 123. Upon information and belief, Amanda falsely characterized Plaintiff as having
6 harassed, threatened, intimidated, and cyberstalked her.

7 124. Upon information and belief, Amanda provided those false stories to increase
8 media interest in Plaintiff's private records.

9 125. Amanda's disclosure of Plaintiff's records to the public resulted in
10 unwarranted national and international attacks on Plaintiff.

11 126. Amanda has also publicly disclosed Plaintiff's private records on her public
12 Twitter account.

13 127. On November 12, 2021, Amanda publicly published a video from Plaintiff's
14 private records where Plaintiff can be heard making private comments – in his home – about
15 other private figures.

16 128. Plaintiff felt extremely embarrassed, violated, and upset that his private records
17 were publicly disclosed and misrepresented to cast Plaintiff in a clearly erroneous light.

18 129. Upon information and belief, Amanda intended to inflict harm on Plaintiff and
19 Plaintiff's son by disclosing Plaintiff's private records.

20 130. Upon information and belief, Amanda's disclosure of Plaintiff's private
21 records by accessing his server without authorization was motivated by her extreme animus
22 towards Plaintiff and Plaintiff's son.



1 131. Upon information and belief, Amanda's objective was to terrorize Plaintiff and
2 force Plaintiff's son's resignation.

3 132. Plaintiff's lawful collection of materials in preparation for litigation, protection
4 of safety, opposition research, and exercise of his First Amendment rights to make political
5 commentary is not of legitimate concern to the public.

6 133. Likewise, Plaintiff's personal views of private figures are of no legitimate
7 concern to the public.

8 **Defamation and False Light Following Public Disclosure of Private Records**

9 134. Amanda has provided numerous interviews related to her public disclosure of
10 Plaintiff's private records.

11 135. During those interviews, Amanda has made multiple false statements related to
12 Plaintiff and his private records.

13 136. In a November 12, 2021 interview on "The Mike Broomhead Show," Amanda
14 falsely accused Plaintiff collecting this information for the unlawful purposes off
15 "harass[ment] and intimidat[ion]" stating that "[Plaintiff] had no legitimate purpose to
16 collect this information."

17 137. In an interview on "The Dana Show with Dana Loesch" on or around
18 November 17, 2021, Amanda also falsely accuses Plaintiff of doxing her, stating Plaintiff
19 "doxed us. And he, and, and for what reason?"

20 138. These statements are false and created a false impression about Plaintiff.
21
22



1 139. Regarding Amanda's statements that Plaintiff collected information for the
2 purposes of harassment and intimidation, Amanda knew those statements were false or acted
3 in reckless disregard of the truth because Plaintiff had never harassed or intimidated her.

4 140. Further, Amanda knew that many of Plaintiff's records referenced possible
5 litigation against her.

6 141. Further, Amanda knew that none of the information Plaintiff collected had
7 been collected unlawfully.

8 142. Moreover, Amanda admitted to compiling information on Plaintiff as early as
9 January 2021, but clearly did not view her own activities as unlawful.

10 143. Collecting information for the purposes of anticipated litigation is not
11 intimidation or harassment.

12 144. Regarding Amanda's statements that Plaintiff doxed her, Amanda knew those
13 statements were false or acted in reckless disregard of the truth because Plaintiff never
14 publicly published any of Amanda's private information.

15 145. To the contrary, Amanda stole Plaintiff's private records and published those
16 records to the public herself.

17 146. In effect, Amanda doxed herself, even going so far as to publicly publish her
18 own home address.

19 147. Further, Amanda's social media accounts are public, meaning any member of
20 the public can access them.



1 159. Defendants made, said, or wrote those statements to third persons, because
2 Defendants either made those statements in the presence of third parties, published them on
3 the Internet and were seen by multiple third parties, emailed them to third parties (e.g., the
4 District's superintendent), or published them during radio, television, and podcast
5 broadcasts.

6 160. Defendants acted with actual malice, because at the time the statements were
7 made, said, or written, Defendants knew that the statements were false or acted in reckless
8 disregard of whether the statements were true or false.

9 161. The statements impute to Plaintiff criminal offenses (e.g., harassment, stalking,
10 cyberstalking, unjustified displaying a weapon, and doxing) punishable by imprisonment or
11 are regarded by public opinion as involving moral turpitude.

12 162. Defendants' statements have brought Plaintiff into disrepute, contempt, and
13 ridicule, and have directly impeached Plaintiff's honesty, integrity, virtue, and good
14 reputation.

15 163. Defendants' statements caused Plaintiff to be damaged, the nature, magnitude,
16 and extent of which will be adduced in discovery and at trial, but in an amount of at least
17 \$15,000,000.

18 164. Defendants, and each of them, are additionally liable if any third person has
19 repeated their false statements about Plaintiff.

20 **COUNT II – FALSE LIGHT**

21 165. Plaintiff, by this reference, incorporates the contents and allegations of the
22 preceding paragraphs of this complaint as if fully set forth here.



1 166. Defendants made, said, or wrote public statements about Plaintiff.

2 167. Defendants' statements or conduct created false impressions about Plaintiff.

3 168. The impressions created about Plaintiff would be highly offensive to a
4 reasonable person by imputing to Plaintiff criminal and other dishonest conduct (e.g.,
5 harassment, stalking, cyberstalking, unjustified displaying a weapon, and doxing).

6 169. Defendants' statements have brought Plaintiff into disrepute, contempt, and
7 ridicule, and have directly impeached Plaintiff's honesty, integrity, virtue, and good
8 reputation.

9 170. Defendants acted with actual malice, because at the time the statements were
10 made, said, or written, Defendants knew their statements or conduct would create a false
11 impression about Plaintiff or acted recklessly about whether their statements or conduct
12 would create a false impression about Plaintiff.

13 171. Defendants' statements caused Plaintiff to be damaged, the nature, magnitude,
14 and extent of which will be adduced in discovery and at trial, but in an amount of at least
15 \$15,000,000.

16 **COUNT III – COMPUTER FRAUD AND ABUSE**

17 172. Plaintiff, by this reference, incorporates the contents and allegations of the
18 preceding paragraphs of this complaint as if fully set forth here.

19 173. Plaintiff's Google Drive server is a protected computer because it is connected
20 to the Internet and can be accessed from anywhere in the United States and world.

21 174. Defendants intentionally accessed Plaintiff's Google Drive server without
22 authorization or exceeding authorized access, because Plaintiff never gave Defendants



1 permission, sanction, warrant, or authority to access the Google Drive server and Defendants
2 knew they had no such authority.

3 175. Defendants obtained information from Plaintiff's Google Drive server,
4 including without limitation by reviewing, copying, deleting, reorganizing, renaming, and
5 adding information to Plaintiff's Google Drive server.

6 176. Plaintiff suffered loss within a one-year period aggregating at least \$5,000 in
7 value because Plaintiff incurred expenses over \$5,000 in responding to Defendants' actions,
8 conducting a damage assessment, and restoring any data or information to its condition prior
9 to Defendants' unauthorized access and activities.

10 177. Defendants' actions caused Plaintiff to be damaged, the nature, magnitude, and
11 extent of which will be adduced in discovery and at trial, but in an amount of at least
12 \$40,000.

13 **COUNT IV – INTRUSION UPON SECLUSION**

14 178. Plaintiff, by this reference, incorporates the contents and allegations of the
15 preceding paragraphs of this complaint as if fully set forth here.

16 179. Defendants intentionally interfered with or invaded Plaintiff's privacy by
17 inspecting Plaintiff's private records.

18 180. Defendants' interference or invasion would be highly offensive to a reasonable
19 person and Plaintiff felt seriously embarrassed and upset by the invasion and interference
20 because Defendants accessed and reviewed Plaintiff's private files without authorization.
21 Plaintiff's private records included his personal thoughts about others, his notes and
22 discussions concerning contemplated litigation, and unpublished political commentary.



1 181. Defendants' interference or invasion was a cause of Plaintiff's injuries and
2 damages.

3 182. Defendants' interference or invasion caused Plaintiff to be damaged, the
4 nature, magnitude, and extent of which will be adduced in discovery and at trial, but in an
5 amount of at least \$50,000.

6 **COUNT V – PUBLIC DISCLOSURE OF PRIVATE FACTS**

7 183. Defendants publicly disclosed private information about Plaintiff, including his
8 personal thoughts about others, his notes and discussions concerning contemplated litigation,
9 and unpublished political commentary.

10 184. Defendants' public disclosure of the private information about the Plaintiff
11 would be highly offensive to a reasonable person. Defendants accessed and publicly
12 disclosed Plaintiff's private files without authorization on their social media, podcasts, radio
13 shows, television, and in news media.

14 185. Defendants' disclosure of the information caused Plaintiff's injuries and
15 damages.

16 186. Defendants' disclosure of the information served no legitimate purpose other
17 than to humiliate, terrorize, and harm Plaintiff. Plaintiff's lawful collection of materials in
18 preparation for litigation, protection of safety, opposition research, and exercise of his First
19 Amendment rights to make political commentary is not of legitimate concern to the public.
20 Likewise, Plaintiff's personal views of private figures are of no legitimate concern to the
21 public.

22



187. Defendants' public disclosure of private information about Plaintiff caused Plaintiff to be damaged, the nature, magnitude, and extent of which will be adduced in discovery and at trial, but in the amount of at least \$1,000,000.

PUNITIVE DAMAGES

188. Defendants acted with actual malice, because at the time the statements were made, said, or written, Defendants knew that the statements were false or acted in reckless disregard of whether the statements were true or false to justify an award of punitive damages against them.

189. At all times relevant to this matter, Defendants acted in willful, wanton, and intentional disregard of Plaintiff's rights in his private records and Google Drive and with an evil mind to justify an award of punitive damages against them.

REQUESTED RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. For reputational damages in an amount to be proven at trial with interest accruing thereon at the legal rate from the date of judgment until paid;

B. For compensatory damages for emotional harm in an amount to be proven at trial with interest accruing thereon at the legal rate from the date of judgment until paid;

C. For compensatory damages for the deprivation of seclusion in an amount to be proven at trial with interest accruing thereon at the legal rate from the date of judgment until paid;

D. For compensatory damages in an amount to be proven at trial;

E. For economic damages suffered by Plaintiff in an amount to be proven at trial;



1 F. For punitive damages of \$10,000,000, with interest accruing on said sum at the
2 legal rate from the date of judgment until paid;

3 G. For Plaintiff's costs incurred herein, with interest accruing on said sums at the
4 rate of 10% per annum from the date of judgment until paid;

5 H. In the event of default, for the sum of \$25,000,000 and for Plaintiff's attorney's
6 fees incurred in securing the default judgment;

7 I. For any post-judgment attorney's fees and costs, as may be awarded by the
8 court, with interest on said sums at the rate of 10% per annum from the date of judgment
9 until paid;

10 J. For such other and further relief as to the Court appears just and appropriate in
11 the circumstances.

12 DATED this 21st day of January, 2022.

13 **RYAN RAPP UNDERWOOD & PACHECO, PLC**

14 By: /s/ Christopher T. Rapp

15 Christopher T. Rapp

16 Andrew C. Pacheco

17 *Attorneys for Plaintiff*